

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARVIN ANTHONY BUSH,

Plaintiff,

v.

STATE OF WISCONSIN, et al.

Defendants.

ORDER

Case No. 20-cv-848-jdp

On September 14, 2020, I entered an order directing plaintiff Marvin Anthony Bush to submit by October 5, 2020 the \$400 filing fee or a motion to proceed without prepayment of the filing fee along with a trust fund account statement covering the six-month period preceding the filing of the complaint to determine if plaintiff qualifies for indigent status and if so, assess an initial partial payment of the \$350 filing fee¹.

Now plaintiff has filed a motion to use release account funds to pay the entire \$400 filing fee in this case. With the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Therefore, plaintiff cannot use the release account funds to pay the entire filing fee.

ORDER

IT IS ORDERED that,

1. Plaintiff Marvin Anthony Bush's motion for use of release account funds to pay the entire \$400 filing fee in this case is DENIED.

¹ The filing fee is \$400 unless a litigant qualifies as indigent under the federal in forma pauperis statute, 28 U.S.C. § 1915, in which case the fee is \$350.

2. Plaintiff may until October 19, 2020 to either pay the \$400 filing or submit a motion for leave to proceed without prepayment of the filing fee and trust fund account statement for the period beginning approximately March 14, 2020 and ending approximately September 14, 2020. If, by October 19, 2020, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 22nd day of September, 2020.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge